

ATXI has been unsuccessful in obtaining an easement from Mrs. Sheila D. Hewitt. The Hewitt family owns three parcels located along the Kansas to Sugar Creek segment of the Project in Edgar County, Illinois. The parcels are internally designated as A_ILRP_KS_ED_131_ROW, 133_ROW and 134_ROW. As summarized on ATXI Exhibit 2.1, ATXI has contacted, or attempted to contact, the Hewitt family or their counsel on at least 51 occasions, including 23 emails, 5 letters, 1 in-person meetings, 12 phone calls, and 3 voicemails. Since January 21, 2016, the Hewitt family has been represented by Mr. Craig Smith.

The agent spoke with Mr. Hewitt by phone on July 8, 2013, when Mr. Hewitt stated that he would not engage in negotiations or agree to a survey until the agent met him in-person to discuss field tile. The agent attempted to contact the Hewitt family several times without success. On October 11 and November 19, 2013, the agent was able to speak briefly with Mrs. Hewitt by phone, but she stated that they were not interested in the Project and ended the conversation. ATXI mailed its initial offer to the Hewitt family in November 2013.

On December 16, 2013, the agent called the Hewitt family to notify them of an upcoming survey. Mrs. Hewitt stated that the surveyors did not have permission to be on the property and ended the conversation. ATXI mailed the appraisal and current offer to the Hewitt family in January 2014, but it was returned undeliverable. ATXI mailed the letter again using certified mail.

The agent attempted to contact the Hewitt family on several occasions between February 2014 and November 2015 but was not able to reach them. ATXI mailed an updated offer on November 9, 2015. The offer letter was returned undeliverable. The agent was unable to reach the Hewitt family by phone to discuss the offer.

On January 21, 2016, ATXI received a letter of representation from Mr. Craig Smith, and learned that Mr. Hewitt was deceased. Also in late January 2016, the agent learned that Mr. Aaron Bishop was the tenant farmer on the Hewitt property, and that Mrs. Hewitt had designated Mr. Bishop as the contact for her property. Mr. Bishop granted survey permission.

The agent met with Mr. Bishop and a survey consultant on January 28, 2016. Mr. Bishop showed the agent and consultant the location of drainage tile and a pipeline on the property, and the proposed access easement was surveyed.

On February 2, 2016, the agent requested attorney Smith provide a death certificate and probate case number for Mr. Hewitt, so that updated title and easement documents could be created. These updated documents were provided on March 4, 2016.

Mr. Bishop, the tenant, retired in February 2016. Since Mr. Bishop had been the contact for the Hewitt property, the agent attempted to contact Mr. Smith to determine whether continued contact with Mr. Bishop was appropriate; the agent did not receive a response.

On August 12, 2015, ATXI received a letter of representation from Mr. Craig Smith. Please see Section VI of my direct testimony (ATXI Exhibit 2.0) for a discussion of the negotiations with landowners represented by Mr. Smith. As discussed there, negotiations have not progressed since Mr. Smith was hired, and despite his commitment to provide ATXI with documentation supportive of additional compensation and easement language changes, Mr. Smith has yet to provide any documentation, counteroffer or easement language edits.

ATXI will continue to negotiate with Mr. Smith and the Hewitt family to the extent they are willing to engage in negotiations with ATXI. However, ATXI believes it is unlikely that the parties will reach a voluntary agreement in a time frame supportive of this line segment's in-service date. Therefore, ATXI requests eminent domain authority over these parcels.

Agent Checklist with Landowner

1. Landowner contacted to set up initial appointment no sooner than 14 days after the 14 day letter was sent ☒
2. Initial appointment set for 11/21/13 Mail Out ☒
3. Activity Note entered regarding Initial Meeting, including specifics regarding landowner concerns, if any, and details of meeting ☒
4. Prepare and review Acquisition documents and maps ☒
5. Provide landowner with business card and show Ameren ID badge ☒
6. Ask the landowner they received the 14 day letter: ☒
 - a. Ask if the landowner read 14 days letter
 - b. Does landowner have any questions regarding letter:

7. Provide/explain the purpose of the project ☒
8. Discuss routing and how it affects landowner: ☒
 - a. Provide Fact Sheet about the project
 - b. Provide landowner copies of:
 - i. Small scale map of the project
 - ii. Sketch and description of type of facilities/structures
 - iii. Approximate location of facilities
 - iv. Option for Easement including exhibit showing length and width of the easement area
 - v. Memorandum of Option Exhibit B
9. Make compensation offer, provide calculation sheet and explain basis of offer ☒
10. Discuss subordination of mortgage, if applicable ☒
11. Complete Construction Questionnaire, including name of tenant, if applicable ☒
12. Provide EMF brochure, if requested ☒
13. Enter initial offers and counter-offers if any, into CLS Viewer. Contact tenant, as appropriate; complete tenant consent form if applicable ☒
14. Agent Name (Print and Sign) Houston Munson II ☒

Agent Checklist with Landowner

1. Landowner contacted to set up initial appointment no sooner than 14 days after the 14 day letter was sent ☒
2. Initial appointment set for 11/21/2013 ☒
3. Activity Note entered regarding Initial Meeting, including specifics regarding landowner concerns, if any, and details of meeting ☐
4. Prepare and review Acquisition documents and maps ☒
5. Provide landowner with business card and show Ameren ID badge ☒
6. Ask the landowner they received the 14 day letter: ☐
 - a. Ask if the landowner read 14 days letter
 - b. Does landowner have any questions regarding letter:

7. Provide/explain the purpose of the project ☒
8. Discuss routing and how it affects landowner: ☒
 - a. Provide Fact Sheet about the project
 - b. Provide landowner copies of:
 - i. Small scale map of the project
 - ii. Sketch and description of type of facilities/structures
 - iii. Approximate location of facilities
 - iv. Option for Easement including exhibit showing length and width of the easement area
 - v. Memorandum of Option Exhibit B
9. Make compensation offer, provide calculation sheet and explain basis of offer ☒
10. Discuss subordination of mortgage, if applicable ☐
11. Complete Construction Questionnaire, including name of tenant, if applicable ☐
12. Provide EMF brochure, if requested ☒
13. Enter initial offers and counter-offers if any, into CLS Viewer. Contact tenant, as appropriate; complete tenant consent form if applicable ☒
14. Agent Name (Print and Sign) AKIBEL Akibel ☒

EXHIBIT "A"

A 6.817 ACRE TRACT OF LAND SITUATED IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 9, THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 10, AND THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 15, ALL IN TOWNSHIP 12 NORTH, RANGE 11 WEST OF THE 2ND PRINCIPAL MERIDIAN, EDGAR COUNTY, ILLINOIS AND BEING PART OF A TRACT OF LAND DESCRIBED IN DEEDS TO ROBERT A. HEWITT AND SHELIA D. HEWITT, RECORDED IN BOOK 236, PAGES 34 AND 36 OF THE DEED RECORDS OF EDGAR COUNTY, ILLINOIS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EAST LINE OF SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4, FROM WHICH A DISTURBED 5/8-INCH IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID NORTHWEST 1/4 OF SECTION 15 BEARS SOUTH 28 DEGREES 03 MINUTES 19 SECONDS EAST, A DISTANCE OF 2,885.81 FEET, SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:1029275.37, E:1184297.25;

THENCE SOUTH 89 DEGREES 50 MINUTES 09 SECONDS WEST, LEAVING SAID EAST LINE, A DISTANCE OF 1,325.71 FEET TO A POINT FOR CORNER IN THE WEST LINE OF SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4;

THENCE NORTH 00 DEGREES 57 MINUTES 31 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 75.01 FEET TO AN 8-INCH POST FOUND AT THE NORTHWEST CORNER OF SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4;

THENCE NORTH 89 DEGREES 45 MINUTES 45 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, A DISTANCE OF 1,306.70 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, FROM WHICH A 5/8-INCH IRON ROD WITH A RED CAP STAMPED "PLS 2845 KNIGHT & ASSOCIATES" FOUND AT THE SOUTHWEST CORNER OF SAID SOUTHEAST 1/4 OF SECTION 9 BEARS NORTH 89 DEGREES 45 MINUTES 45 SECONDS WEST, A DISTANCE OF 1,313.46 FEET;

THENCE NORTH 00 DEGREES 38 MINUTES 34 SECONDS WEST, ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, A DISTANCE OF 75.01 FEET TO A POINT FOR CORNER;

THENCE SOUTH 89 DEGREES 45 MINUTES 45 SECONDS EAST, LEAVING THE WEST LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, A DISTANCE OF 1,307.59 FEET TO A POINT FOR CORNER;

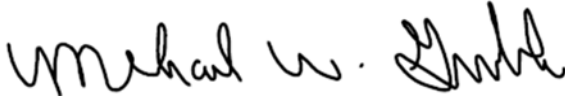
THENCE NORTH 89 DEGREES 50 MINUTES 09 SECONDS EAST, A DISTANCE OF 1,325.68 FEET TO A POINT FOR CORNER IN THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4;

THENCE SOUTH 00 DEGREES 25 MINUTES 11 SECONDS EAST, ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 75.00 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4;

EXHIBIT "A"

THENCE SOUTH 00 DEGREES 31 MINUTES 10 SECONDS EAST, ALONG THE EAST LINE OF SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4, A DISTANCE OF 75.00 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 296,934 SQUARE FEET OR 6.817 ACRES OF LAND, MORE OR LESS.

BEARING BASIS: ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM, NAD 83(2011), EAST ZONE. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES.



MICHAEL W. GERBERICK
PROFESSIONAL LAND SURVEYOR
REGISTRATION NO. 035-002683
STATE OF ILLINOIS PROFESSIONAL
DESIGN FIRM LICENSE NO. 184.006475

DATE: 08/19/2015



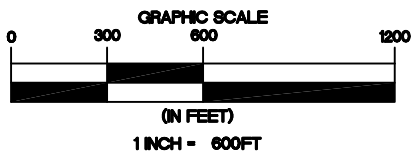
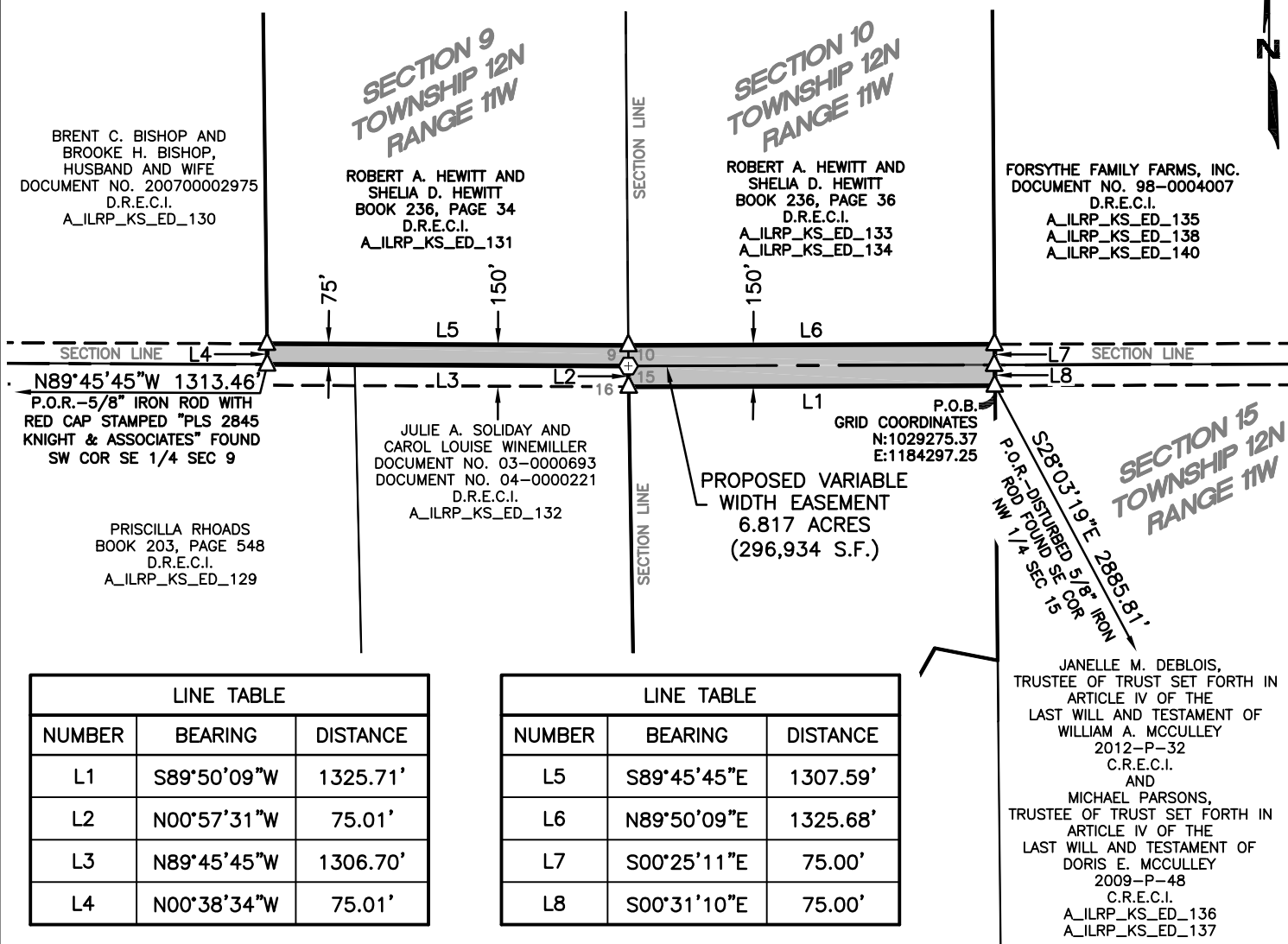


EXHIBIT "A"

ATXI Exhibit 2.3 Part AA
Page 7 of 24



| LINE TABLE | | |
|------------|-------------|----------|
| NUMBER | BEARING | DISTANCE |
| L1 | S89°50'09"W | 1325.71' |
| L2 | N00°57'31"W | 75.01' |
| L3 | N89°45'45"W | 1306.70' |
| L4 | N00°38'34"W | 75.01' |

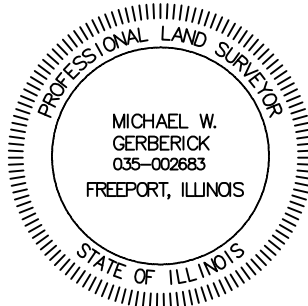
| LINE TABLE | | |
|------------|-------------|----------|
| NUMBER | BEARING | DISTANCE |
| L5 | S89°45'45"E | 1307.59' |
| L6 | N89°50'09"E | 1325.68' |
| L7 | S00°25'11"E | 75.00' |
| L8 | S00°31'10"E | 75.00' |

LEGEND

C.R.E.C.I. COURT RECORDS
EDGAR COUNTY, ILLINOIS
D.R.E.C.I. DEED RECORDS
EDGAR COUNTY, ILLINOIS
P.O.B. POINT OF BEGINNING
P.O.R. POINT OF REFERENCE
⊕ 8" POST FOUND
△ CALCULATED POINT

2 | 1
11 | 12
TYPICAL SECTION CORNER

SECTION LINE
SUBJECT PROPERTY LINE
PROPERTY LINE
PROPOSED EASEMENT CENTERLINE
PROPOSED EASEMENT



Michael W. Gerberick

MICHAEL W. GERBERICK
PROFESSIONAL LAND SURVEYOR
NO. 035-002683 - STATE OF ILLINOIS
PROFESSIONAL DESIGN FIRM
LICENSE NO. 184.006475 - STATE OF ILLINOIS

NOTES:

- THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENT OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
- REFERENCE IS MADE TO THE DESCRIPTION OF EVEN DATE ACCOMPANYING THIS SKETCH.

SHEET 03 OF 03

PROJECT: ILLINOIS RIVERS
JOB NUMBER: 32359
DATE: 08/19/2015
SCALE: 1"=600'
TRACT ID: A_ILRP_KS_ED_131
DRAWN BY: JDM



150' TRANSMISSION
LINE EASEMENT
SUGAR CREEK TO KANSAS
SECTIONS 9, 10 AND 15, TOWNSHIP 12 NORTH,
RANGE 11 WEST OF THE 2ND PRINCIPAL MERIDIAN
EDGAR COUNTY, ILLINOIS

EXHIBIT "A"

TRACT 1

A 0.494 ACRE TRACT OF LAND SITUATED IN THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 12 NORTH, RANGE 11 WEST OF THE 2ND PRINCIPAL MERIDIAN, EDGAR COUNTY, ILLINOIS AND BEING PART OF A TRACT OF LAND DESCRIBED IN DEED TO ROBERT A. HEWITT AND SHELIA D. HEWITT, RECORDED IN BOOK 236, PAGE 34 OF THE DEED RECORDS OF EDGAR COUNTY, ILLINOIS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A MAGNAIL FOUND AT THE SOUTHWEST CORNER OF SAID NORTH 1/2, SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:1030673.75, E:1180337.85;

THENCE NORTH 00 DEGREES 32 MINUTES 03 SECONDS WEST, ALONG SAID WEST LINE OF SAID NORTH 1/2, A DISTANCE OF 15.95 FEET TO A POINT FOR CORNER;

THENCE SOUTH 89 DEGREES 50 MINUTES 57 SECONDS EAST, LEAVING SAID WEST LINE, A DISTANCE OF 1,212.98 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 28 DEGREES 32 MINUTES 01 SECONDS, A RADIUS OF 150.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 75 DEGREES 34 MINUTES 56 SECONDS EAST, 73.93 FEET;

THENCE EASTERLY, ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 74.70 FEET TO A POINT FOR CORNER IN THE SOUTH LINE OF SAID NORTH 1/2, FROM WHICH AN 8-INCH POST FOUND AT THE SOUTHEAST CORNER OF SAID SECTION 9 BEARS SOUTH 45 DEGREES 34 MINUTES 02 SECONDS EAST, A DISTANCE OF 1,887.73 FEET;

THENCE NORTH 89 DEGREES 44 MINUTES 51 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1,284.44 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 21,519 SQUARE FEET OR 0.494 OF AN ACRE OF LAND, MORE OR LESS.

BEARING BASIS: ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM, NAD 83(2011), EAST ZONE. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES.



JOE D. WEBBER, JR.
PROFESSIONAL LAND SURVEYOR
NO. 035-002875, STATE OF ILLINOIS
SURVEYING AND MAPPING, LLC
PROFESSIONAL DESIGN FIRM

DATE: 02/02/2016

